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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

No. 3-12-70706 MAG

v.

STIPULATION AND ~~PROPOSED~~
ORDER DOCUMENTING WAIVER

HUGO GONZALEZ-RAZON,

Defendant.

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of February ²⁶~~19~~, 2013 setting a new preliminary hearing date for March 13, 2013, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act from the date of this stipulation, to March 13, 2013. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Hugo Gonzalez Razon, was charged in a complaint dated June 19, 2012, with one of unlawful reentry following deportation, in violation of 8 U.S.C. § 1326. The defendant was arrested on or about July 31, 2012, and presented to Magistrate Judge Elizabeth D.

Laporte on the following morning, August 1, 2012.

2. Since August 24, 2012, the date on which conflict counsel, undersigned Mr. Harris Taback, Esq., was appointed, the parties have met and conferred several times in order to pursue their plea discussions. Although there has been some progress, the parties have not yet reached a final disposition. Accordingly, the parties respectfully request, that excluding time for good cause under Federal Rule of Criminal Procedure 5.1, and excluding the time under the Speedy Trial Act, 18 U.S.C. § 3161, that the February ²⁶~~19~~, 2013 preliminary hearing date be continued until March 13, 2013, to enable them to continue to pursue their plea discussions.

3. Taking into the account the public interest in the prompt disposition of criminal cases, the above-stated ground is good cause for extending the time limit for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the defense time for effective preparation and representation by seeking disposition of this matter prior to indictment on agreed-upon terms.

4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the February ²⁶~~19~~, 2013 preliminary hearing date and extends the time for a preliminary hearing until March 13, 2013, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from February ²⁶~~19~~, 2013 to March 13, 2013 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

STIPULATED:

DATED: February 21, 2013

/S/
HARRIS TABACK, ESQ.
Attorney for HUGO GONZALEZ RAZON, ESQ.

DATED: February 21, 2013

/S/
ACADIA L. SENESE
W.S. WILSON LEUNG
Assistant United States Attorneys

IT IS SO ORDERED.

DATED: February 25, 2013


HON. MARIA ELENA-JAMES
United States Magistrate Judge